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California Office of Historic Preservation Technical Assistance Series #3

California Register of Historical Resources: Questions and Answers

What protection does listing in the California Register offer?

Listing in the California Register, or any other registration program in California, does not guarantee that a resource will not be altered or destroyed. Projects that will affect historical resources may be subject to review pursuant to the California Environmental Quality Act (CEQA). All projects carried out by public agencies are subject to environmental review as are projects involving privately owned properties when a discretionary permit or review is required. For questions related to a specific resource and CEQA review, please contact the local government or state agency with jurisdiction over the project.

How does the California Register define a historical resource?

For purposes of listing, a "historical resource" includes, but is not limited to, "any object, building, structure, site, area or place which is historically or archeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California" and which meets the criteria for listing. Historical resources of local, state and national significance may be eligible for listing in the California Register if they satisfy the criteria listed below.

What are the criteria for listing a resource in the California Register?

To be eligible for listing in the California Register, a resource must be significant at the local, state, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
2. It is associated with the lives of persons important to local, California, or national history; or
3. It embodies the distinctive characteristics of a type, period, region, or method or construction, or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

How does a resource become listed in the California Register?

Resources may be added in three ways.

- 1) Some are listed automatically, including California State Historical Landmarks from number 770 onward and all properties listed on, or formally determined eligible for, the National Register of Historic Places.
- 2) State Historical Landmarks below number 770 and State Points of Historical Interest will be individually evaluated and recommended for listing on the California Register based on procedures to be developed by the State Historical Resources Commission.
- 3) Other resources can be nominated to the California Register by local governments, private organizations or citizens; these include individual resources, historical resources contributing to the significance of an historical district, resources identified in an historical resources survey with a significance rating of 1 to 5 and resources designated as local landmarks or listed by city or county ordinance.

Who can nominate a resource to the California Register and how?

Any individual or organization can prepare and submit a nomination. Please consult the *How to Nominate Resources to the California Register of Historical Resources* handout and the booklet, *Instructions for Recording Historical Resources*, for information on the process and forms needed. A nomination can take from six to nine months to go through the process and be heard by the State Historical Resources Commission. This timeframe is due to a ninety-day local government review period and a sixty-day hearing notification requirement.

How do we interpret historical resources survey information?

Historical resources inventories are the products of a survey process which identifies resources within a specific geographic area under defined parameters such as architectural style or historic context. Inventories should use the National Register status codes, a reference code used to indicate potential eligibility for the National Register of Historic Places, and those resources with a code of 1 through 5 may be eligible for the California Register. Questions regarding the planning and interpretation of historical resources surveys should be directed to Jan Wooley, Coordinator of the Historical Resources Survey and Inventory Program, email: calshpo.jan@quiknet.com. The California Register requires that at the time a local jurisdiction *nominates* an historic resources survey for listing, it must be updated if it is more than five years old. This is to ensure that a *nominated survey* is as accurate as possible at the time it is listed in the California Register. However, this does not mean that resources identified in a survey that is more than five years old need not be considered "historical resources" for purposes of CEQA. Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating it is otherwise no longer eligible for listing, a lead agency should consider the resource to be potentially eligible for the California Register.

What is the relationship of the California Register to the California Environmental Quality Act?

The California Register serves as an authoritative guide to resources that are to be considered when there is a discretionary action subject to CEQA. However, simply because a resource is not currently listed in the California Register does not mean that it is not an historical resource and is not subject to CEQA environmental review. Any resource that is eligible for listing in the California Register is also to be considered

under CEQA. Therefore, the lead agency on a project must determine not only if the resource is listed, but also if it is eligible for listing.

The Office of Historic Preservation has created a handout on CEQA and Historical Resources. Additionally, two technical bulletins, *CEQA and Historical Resources* and *CEQA and Archeological Resources*, provide assistance in evaluating historical resources and project impacts. These publications can be accessed on the Internet at <http://ceres.ca.gov/ceqa>.

Please understand that the California Register does not make any resource subject to CEQA that wasn't previously covered. This new program, rather, is a tool to help gain a clearer understanding of what is subject to CEQA and therefore have surety and consistency in their CEQA implementation processes.

How are local governments involved?

Local public agencies may assist in the nomination of resources to the California Register and may comment on nominations that originate from private groups or individuals within their jurisdictions. Applicants must inform local governments of resources within their jurisdictions that are being nominated for listing on the California Register.

Does the California Register affect property rights?

Property owners must be notified, sent a copy of the nomination and provided the opportunity to comment upon the nomination. Historical resources nominated to the California Register may not be listed over the written notarized objection of the property owner. However, if an owner objects to a nomination, the resource may still be formally determined eligible for the California Register.

What are the benefits of being listed in the California Register?

Local ordinances may provide benefits to property owners of listed resources, such as Mills Act local property tax incentives. Additionally, the State Historical Building Code mandates that reasonable alternatives be applied when the use of the Uniform Building Code threatens the historical integrity of a resource.

How do we evaluate archeological resources?

Archeological resources are historical resources pursuant to the California Register and may be eligible for listing. For the purposes of the California Register, DPR form 523 and its supporting documents will be considered in determining potential historical significance. Archeological resources should also be included in all new or updated surveys of local historical resources. Whenever a reference is made to "historical resource" it also includes archeological resources.

Where do I get more information on local historical resources?

Regional Information Centers serve as branches of the California Historical Resources Information System under contract with the Office of Historic Preservation to provide information on historical resources. Each Center maintains a variety of survey and project files on historical and archeological resources and may also provide research, training and technical assistance on a fee for services basis. Information on archeological sites may be restricted under state or federal law in order to protect the

resource. A description of this program and list of Information Centers is included in the *Instructions for Recording Historical Resources*.

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